

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,977	11/26/2003	Abdullatif Chehab	2003P13578US	9036
7:	590 08/25/2005		EXAMINER ·	
Siemens Corp	oration perty Department		GARTENBE	ERG, EHUD
170 Wood Ave			ART UNIT	PAPER NUMBER
Iselin, NJ 08830			3746	
			DATE MAIL ED. 09/25/200	e

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    10/722,977		A						
Examiner Enud Gartenberg  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Examinor of time may be analysis under the provisions of 37 CFR 1.35(b). In no event, however, may a reply be sinely filled  - If No period for may by pecified above, the meaniture stabulory period will apply and will expert SX (b) MONTHS from the mailing date of this communication or may be period above, the meaniture stabulory period will apply and will expert SX (b) MONTHS from the mailing date of this communication or may be period above, the meaniture stabulory period will apply and will expert SX (b) MONTHS from the mailing date of this communication or may be period because the period of the communication.  - If NO period for may be period above, the meaniture stabulory period will apply and will expert SX (b) MONTHS from the mailing date of this communication.  - If NO period for may be period above, the meaniture stabulory period will apply and will expert SX (b) MONTHS from the mailing date of this communication.  - If NO period for may be period above, the meaniture and the mailing date of this communication.  - If NO period for may be period above, the meaniture and the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the mailing date of this communication.  - If NO period for may be period to the		Application No.	Applicant(s)					
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1) Responsive to communication(s) filed on 28 July 2005  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-10 and 12-18 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are ejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-10 and 12-18 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Notices of Draftsperson's Patent Drawing Review (PTO-948)  3) Notices of Draftsperson's Patent Drawing Review (PTO-948)  3) Notices of Draftsperson's Patent Drawing Review (PTO-948)  4) International Drawing Review (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).					
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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: 1) A method and apparatus for controlling blade tip clearances wherein a mixing valve is operated manually; 2) A method and apparatus for controlling blade tip clearances wherein a mixing valve is operated automatically.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because Applicant raised patentability arguments based on the manual versus the automatic valve operation, it is noted that claim 1 does not limit the operation of the valve to any of said modes, and this opens the door to a broad reading of the claim on the prior art.

2. A telephone call was made to Erik Swanson on 8/22/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571 272 4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ehud Gartenberg
Primary Examiner

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